



(266150748) On-line FOIA Request

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09/24/2010 03:07 PM

01\_NAME\_: Sarah Stokes  
02\_COMPANY\_: Southern Environmental Law Center  
03\_ADDRESS\_: 2829 2nd Ave. S  
04\_CITY\_: Birmingham  
05\_STATE\_: AL  
06\_ZIP\_: 35233  
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CNTRL NO	00840-10
RESPONSE DUE	10/26/10
SEARCHED	INDEXED
SERIALIZED	FILED
SEED	CC EAD
OTHER	

10\_SPECIFIC\_INFORMATION\_NEEDED\_: The Southern Environmental Law Center ("SELC") requests all documents in the possession or control of the Environmental Protection Agency ("EPA") that relate to proposed improvements to U.S. Highway 280 between the Elton B. Stephens Expressway and Double Oak Mountain.

These documents are to include, but are not limited to:

- 1) Any environmental, economic, or other studies and/or draft studies concerning this segment of Hwy 280, including any studies mandated by the National Environmental Policy Act ("NEPA");
- 2) Any analysis of alternatives to the current proposal by ALDOT to widen Highway 280 from the Elton B. Stephens Expressway to Interstate 459, and to add elevated toll lanes to Highway 280 from I-459 to Double Oak Mountain.
- 3) Any analysis of the overall cost of the project, including project construction, operation and maintenance;
- 4) Any analysis of or correspondence concerning the impacts of the current ALDOT proposal on air quality, noise, traffic safety, historic neighborhoods, and businesses in this segment of Highway 280;
- 5) Any written or electronic correspondence concerning improvements to this segment of Hwy 280;
- 6) Any written or electronic minutes from meetings concerning improvements to this segment of Highway 280.

For the purposes of this request, the term "documents" includes all written, printed, recorded or electronic materials, communications, correspondence, memoranda, notations, copies, diagrams, charts, maps, photographs, tables, spreadsheets, formulas, directives, observations, impressions, contracts, letters, messages and mail in the possession or control of EPA.

11\_FEE\_: Other Specified Amount, 50.00

12\_FEE\_WAIVER\_: Yes

13\_FeeWaiver\_text: SELC is requesting photocopies without charge, or at a reduced charge, because reduction or waiver of fees would be in the public interest. A disclosure is in the public interest if (1) it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) it is not primarily in the commercial interest of the requester. The public interest standard of the fee waiver provision of the FOIA should be "liberally construed" in favor of waivers. *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987); *Pederson v. Resolution Trust Corp.*, 847 F. Supp. 851, 855 (D.Colo.1994); *Etlinger v. FBI*, 596 F. Supp 867, 872 (D. Mass. 1984). The goal of the statute is to avoid the "roadblocks and technicalities which have been used by various Federal agencies to deny waivers...." *Pederson*, 847 F. Supp. at 855.

SELC is a 501(c)(3) non-profit organization with almost 25 years of experience disseminating public information regarding U.S. regulatory and operational issues. See 5 U.S.C. § 552 (a)(4)(A)(iii). SELC maintains a website that includes both general and topic-specific information regarding the matters with which SELC is involved. For example, SELC frequently publishes reports and issues press releases regarding its projects (See e.g., "Clean Air for the Birmingham Area",

[http://www.southernenvironment.org/uploads/publications/BAR\\_0909\\_Final.pdf](http://www.southernenvironment.org/uploads/publications/BAR_0909_Final.pdf), and "Four Environmental Groups Seek to Defend Greenhouse Gas Rule in Court" [http://www.southernenvironment.org/newsroom/press\\_releases/tailoring\\_rule\\_motion\\_to\\_intervene/](http://www.southernenvironment.org/newsroom/press_releases/tailoring_rule_motion_to_intervene/).) Lawyers at SELC are routinely interviewed by the media to explain their work and its significance. (See e.g., "Freeze on Offshore Drilling was Verbal Order," NPR, May 25, 2005, <http://www.npr.org/templates/story/story.php?storyId=127114044>.) SELC's website

contains documents generated by SELC for the specific purpose of educating the public on particular issues. (See e.g., "Alabama Water Agenda; Guiding the Way to Healthy Waters"

[http://www.southernenvironment.org/uploads/publications/al\\_water\\_agenda\\_jan07.pdf](http://www.southernenvironment.org/uploads/publications/al_water_agenda_jan07.pdf).) SELC also assists the public in locating information relating to a particular topic by collecting and posting relevant information, documents, and links to other websites.

All of this information is available for free to any interested member of the public. SELC staff members also educate the public by speaking at conferences and other public meetings about environmental and natural resource issues in the Southeast. A fee waiver clearly will benefit the general public through increased notice and understanding of the operations of the government and of potential or proposed major policy incentives. SELC further certifies that disclosure of the information sought is not primarily in the commercial interest of the requester.

Should SELC's request for reduced or waived fees be denied, SELC is prepared to bear the reasonable duplication and search costs necessary to fulfill this request. However, I request you contact me before processing this request if the fee is expected to be in excess of \$50. SELC reserves its right to appeal a fee waiver or reduction denial.

14\_EXPEDITED\_PROCESSING ~~Yes~~ *NO Per Request*

15\_ExpeditedWaiver\_text: Leaders are beginning to make decisions regarding this project. SELC will inform the public regarding any public studies that have been conducted.

#### WARNING NOTICE

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Submitting script: /cgi-bin/mail.cgi

Submitting host: smtp.selcva.org (209.145.85.80)

Browser: Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 5.2; .NET CLR 1.1.4322;



**04-FOI-00840-10 Fee Waiver Determination**  
Vivian Warden to: r4foia, Kindra Callahan

09/29/2010 09:53 AM

This is to inform you that the fee waiver request has been granted for FOIA request case 04-FOI-00840-10 from Sarah Stokes, Southern Environmental Law Center. The determination letter has been scanned in to the case file in FOIAXpress.

Please call if you have any questions. Thank you.

Vivian Warden  
FOIA Specialist  
(202) 566-1663

FOIA and Privacy Branch  
(202) 566-1667 (main FOIA phone)  
(202) 566-2147 (FOIA fax)  
[hq.foia@epa.gov](mailto:hq.foia@epa.gov)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

September 29, 2010

OFFICE OF  
ENVIRONMENTAL INFORMATION

Ms. Sarah Stokes  
Southern Environmental Law Center  
2829 2<sup>nd</sup> Avenue South  
Birmingham, AL 35233

RE: Request Number 04-FOI-00840-10

Dear Ms. Stokes:

This is in response to your request for a waiver of fees for the processing of your Freedom of Information Act (FOIA), 5 U.S.C. 552 request. You are seeking a copy of records regarding proposed improvements to the U.S. Highway 280 between the Elton B. Stephens Expressway and Double Oak Mountain.

We have reviewed your fee waiver justification and based on the information you provided, we are granting your request for a fee waiver. However, this fee waiver does not include a waiver of fees for otherwise publically available records. The US Environmental Protection Agency Region 4 office in Atlanta, GA will respond to your information request for the agency.

If you have any questions concerning this fee waiver determination, please contact me at (202) 566-1667.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry F. Gottesman", is written over the word "Sincerely,".

Larry F. Gottesman  
National FOIA Officer